

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DISPLAY TECHNOLOGIES, LLC,

Plaintiff,

v.

HTC AMERICA, INC.,

Defendant.

Case No. 2:17-cv-70-JRG-RSP

HTC AMERICA'S UNOPPOSED MOTION TO TRANSFER VENUE

Defendant HTC America, Inc. moves for an order transferring venue of this action to the United States District Court for the Western District of Washington in Seattle where venue is proper.

The recent Supreme Court decision in *TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 2017 WL 2216934 (May 22, 2017) held that the patent venue statute, 28 U.S.C. § 1400(b), only permits suits against a corporation in a State in which the corporation is incorporated or has a regular and established place of business. HTC America, Inc. is a Washington corporation and has a regular and established place of business in Seattle, located in the Western District of Washington. HTC America, Inc. does not have a regular and established place of business in the Eastern District of Texas.

Prior to the Supreme Court's decision in *TC Heartland*, HTC America filed a Motion to Dismiss Plaintiff Display Technologies, LLC's Complaint for Improper Venue Pursuant to Fed. R. Civ. P. 12(b)(3) (Dkt. No. 9). Thereafter, Plaintiff Display Technologies, LLC filed its

Response to HTC America, Inc.'s Motion to Dismiss Plaintiff Display Technologies, LLC's Complaint for Improper Venue Pursuant to Fed. R. Civ. P. 12(b)(3) (Dkt. No. 14). No further briefing was submitted. Should the Court grant this motion to transfer venue, then the motion to dismiss for improper venue will be moot. Plaintiff Display Technologies does not oppose transfer of venue to the Western District of Washington.

For these reasons, HTC America respectfully requests that this matter be transferred to the United States District Court for the Western District of Washington in Seattle.

Dated: June 9, 2017

Respectfully submitted,

/s/ Brian Craft

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*Attorneys for Defendant
HTC America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2017 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Brian Craft

Brian Craft